

REMARKS

This is in full and timely response to the above-identified Office Action. Reexamination and reconsideration in light of the proposed amendments and the following remarks are respectfully requested.

Rejections Under 35 USC § 112

The rejection which is based on the premise that the use of "essentially" renders everything that follows the term to be indefinite, cannot be considered tenable. To assert that a single word is a phrase is incorrect, and it is further untenable to suggest that it is unclear whether the limitation(s) which follow the alleged phrase (viz., the term "essentially") are part of the claimed invention. This adverb is very commonly used in claim language to allow for small deviations from what otherwise may be interpreted as being an exact positional/value requirement.

Reconsideration of this rejection is respectfully requested.

Rejections Under 35 USC § 102

The rejection of claims 1 and 2 under 35 USC § 102(b) as being anticipated by Bottone et al. is respectfully traversed. It is submitted that the arrangement set forth in claim 1 is not found in the Bottone et al. reference. More specifically, claim 1 calls for two filaments to be located on essentially diametrically opposite sides of each of at least one lead rod. This structure is not found in Bottone et al.

The arrangement disclosed in Bottone et al. is such that the lead-in conductors 26 are located with respect to the filaments so that the endmost filaments or winding are disposed thereover and therefore are coaxially arranged therewith. The remaining filaments are all grouped between the two lead-in conductors (see **Appendix**). Therefore, this arrangement is such that two filaments cannot be located on opposite sides of a lead-in conductor or wire.

Further, the rejection is unclear in that it is stated that Bottone et al. has lead-in wires **26** which are embedded in a press seal 16. However, several lines later it is stated that "each lead rods **34** has two filaments located diametrically opposite sides thereof". Firstly, there is confusion as whether elements 26 or 34 are being taken as the claimed

"at least one lead rod" and secondly the claims call for the locations to be "on essentially diametrically opposite sides."

The rejection is further rendered confusing and untenable by the statement that:

"The short end coils are slipped over and fastened, as by welding, to the inner ends of the leads in wires 26"

which is followed by and presumably meant to indicate the disclosure of:

(groups of three filaments are arranged so that each of the three filament[s] is located at a point of a triangle which lies on a plane normal to the lead rod 26 or lead-in wire)

It is submitted that there is no nexus between the triangulation of the filaments and the (coaxial) disposition of the short end coils on the lead-in wires 26. This cannot be relied upon to establish a *prima facie* case of anticipation of the triangulation which is called for.

This is followed by:

"and the intermediate portion of the filament between the main coil sections are engaged by the hooked ends (hook portion) of auxiliary support wires 32 and 34 **(at least one lead rods wherein connected to each of the plurality of filament structure element)** that depend from the bridge members 22 and 20, respectively." (column 3, lines 12-34).

It is respectfully submitted that this is, to say the very least, unclear and not sufficient to establish a clear position with respect to anticipation.

Rejections Under 35 USC § 103

The rejection of claim 7 under 35 USC § 103(a) as being unpatentable over Bottone et al. is traversed. The rejection is based on the premise that Bottone et al. discloses the claimed invention with the exception that the winding at each end of the single wire is axially displaced with respect to the serially connected filaments so that each filament is located closer to a glass piece that connects the lead rods than the

serially connected filaments. This structure is alleged to be obvious because the hypothetical person of ordinary skill would have spaced the windings closer to the glass because rearranging parts involves only routine skill in the art. *In re Japikse* is cited in support of this position.

This rejection is traversed. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) merely contained claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch and which were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.

However, in this instance, the change involves moving a filament or filaments within the bulb envelope. Since the filaments are the source of light, moving some of the filaments and therefore the locations at which some of the light is generated, would result in a change in the light generation pattern within the bulb. This would therefore, have an effect on the operation of the device and introduce a fundamental variation therein.

Further, in *Ex parte Chicago Rawhide Manufacturing Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984) it was established that:

"The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device."

In this rejection there is no motivation established for the hypothetical person of ordinary skill to even consider a change, and as noted above, moving one of the filaments will effect the operation of the Bottone et al. lamp. That is to say, Bottone et al. clearly show arranging the filaments in what is referred to as a biplane arrangement and focuses attention on providing an arrangement which will cause the filament array to have a predetermined position within the glass envelope so that the inner walls of the envelope are maintained within an operating temperature range.

In addition, at column 4, line 60 – column 5, line 3, it is disclosed that a reflector (see Figs. 5 and 6) can be disposed so as to reflect heat back onto the filament and to direct light toward the front wall of the envelope. If this reflector is to be effective, it follows that it is necessary to keep all of the filaments at a level that corresponds to that of the reflector – and thus allow the desired reflection to be efficiently carried out. This would therefore inhibit consideration of arbitrarily axially displacing the end most filaments or windings away from their illustrated positions in the manner purported in this rejection and therefore quash any consideration of the hypothetical person of ordinary skill from simply moving filaments from said illustrated positions.

Conclusion

Applicant believes that the present application is in condition for allowance. Favorable reconsideration is respectfully requested. The Examiner is invited to contact the undersigned if it is felt that a telephone interview would advance the prosecution of the present application.

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